MEAGAN SMITH, 9-10-08

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA and OKLAHOMA SECRETARY OF THE ENVIRONMENT, C. MILES TOLBERT in his capacity as the TRUSTEE FOR NATURAL RESOURCES FOR THE STATE OF OKLAHOMA,

Plaintiff,

vs. 4:95-CV-003290-TCK-SAJ

TYSON FOODS, INC., et al.,

Defendants.

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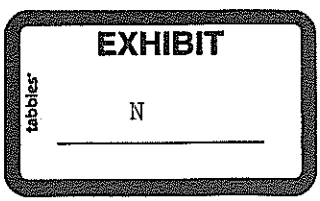
VIDEO DEPOSITION OF MEAGAN SMITH, produced as a witness on behalf of the Defendants in the above styled and numbered cause, taken on the 10th day of September, 2008, in the City of Tulsa, County of Tulsa, State of Oklahoma, before me, Karla E. Barrow, a Certified Shorthand Reporter, duly certified under and by virtue of the laws of the State of Oklahoma.



this year?
A Yes, I believe so.
Q Have you done any significant work in any of these areas or any other environmental areas since May of -- May 15, 2008? 09:22
A I have taken part of some hydrologic studies, residential hydrologic issues, soil and erosion problems.
Q And --
A In -- 09:22
Q Go ahead.
A I'm sorry, in the Tulsa area.
Q Anything else?
A No.
Q What are your areas of expertise? 09:22
A Agricultural engineering, biosystems engineering. My degree is biosystems engineering.
Q Do you -- have you had courses in soil science?
A Yes. 09:23
Q I mean, what proportion of your total course load at OSU would have been devoted to soil science?
A Limited.
Q How many hours?
A I had one three hour class that was in the 09:23

soils department, and then other class work in other classes that covered soils to varying degrees.

Q It says on your CV that from June of 2005 to August of 2005 you were a water design intern with the City of Tulsa engineering services division. 09:23
What was that?

A I -- my main purpose there is I performed study on a terminal drinking water reservoir here in town, in Tulsa, and --

Q That would be Spavinaw? 09:23

A Yahola.

Q Okay.

A Lake Yahola.

Q That kind of terminal?

A Yes, yeah, truly terminal drinking water 09:24
reservoir.

Q Okay. And remind me, does Yahola receive Spavinaw water or Oologah water?

A Oologah.

Q Okay. 09:24

A And the purpose of the study was to determine the sedimentation -- well, I didn't determine the sedimentation load it was receiving, but to determine if it was silting, and that was the main concern. So I did a bathymetric survey and put 09:24

Engel and I believe that was a pretty accurate way to interpolate given the number of years and data that we have --

Q So --

A -- documented for. 01:46

Q So then what would have been the average weight of a bird in the IRW in 1949?

A What we used was 2.75.

Q And you don't -- you're not -- unable to tell us whether that is real or not? I mean a 2.75 pound 01:46 bird is a small bird, isn't it?

A I don't believe it's a great deal smaller than a 3.175 pound bird.

Q What's the average weight now that you used?

A It's just over five pounds. 01:46

Q And as I understand it, what you were trying to do is the -- I mean a bird starts out as a little fluff ball; right?

A Yes.

Q And has about a six week life, and then 01:47 becomes a five pound animal today?

A (Witness nods head up and down.)

Q So the amount of excrement that's going to come from that bird and therefore the amount of phosphorus that's going to come from that bird is 01:47

going to be smaller on day one than it is on day 42 --

A Yes.

Q -- correct? Now, what did you do, did you just take the middle average of that life span of the bird or did you take the end weight of the bird or -- 01:47

A The -- the average.

Q So --

A So half of the -- half of the terminal live weight. 01:47

Q So if you're --

A For each given year.

Q -- you're producing five pound birds, then you assume two and a half pounds in order to calculate the thousand pound animal unit in order to calculate the amount of phosphorus in the waste generated by those birds? 01:47

A Yes.

Q Okay. Now, explain to me why you didn't simply go to -- directly to the amount, the tonnage of chicken litter produced in the IRW in any one year and the amount contained in that chicken litter and give us the number that way? 01:47

A I don't have accurate numbers as to the amount 01:48

Q And I'm Philip Hixon, and I represent Peterson Farms in this matter. First, back to your qualifications. What degree did OSU award you?

A Bachelor of science in biosystems engineering. I believe that is what my diploma states. The biosystems department is housed in the college of agricultural and the college of engineering both. 04:41

Q Okay. And it's my understanding that you're an engineer in training; is that correct?

A I have passed the fundamentals of the engineering exam that qualifies me as an engineer in training. 04:41

Q Okay. Did you use your engineering education in preparing this mass balance report?

A Yes, I believe so. 04:41

Q Okay.

A Yes. As much as anything, I used my training, just class work training and research training.

Q Okay. So is this an engineering opinion that's in your mass balance report, I guess is what I'm asking? 04:41

A Yes.

Q Okay. Is Dr. Engel a professional engineer or do you know?

A I believe so, yes. 04:42